

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATIONWIDE MUTUAL INSURANCE COMPANY, : CIVIL ACTION

:
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v.
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GERALD GARZONE, et al., : No. 07-4767

NATIONWIDE MUTUAL INSURANCE :
COMPANY., et al. : CIVIL ACTION

:
:

v.
:

:

GERALD GARZONE, et al. : No. 08-3895

ORDER

AND NOW, this 17th day of September 2009, upon consideration of the Motions filed by the parties, the corresponding briefs, the discussion held at oral argument, and for the reasons stated in the foregoing Memorandum, it is hereby ORDERED that

(1) Nationwide's Motion for Summary Judgment (07-4767, Doc. 47; 08-3895, Doc.

68) is GRANTED in part and DENIED in part in accordance with the foregoing

Memorandum. To summarize,

(a) Nationwide's Motion is GRANTED on the duty to defend Liberty in the

Maggio case;

(b) Nationwide's Motion is DENIED on the duty to defend Liberty in the

Laberta and Oprea cases;

(c) Nationwide's Motion is DENIED on the duty to defend Margaret

McCafferty d/b/a James A. McCafferty Funeral Home in the

Wilson/Pancoast case;

(d) Nationwide's Motion is DENIED, without prejudice, on the duty to defend

Margaret McCafferty d/b/a James A. McCafferty Funeral Home in the
Gibson case;

- (e) Nationwide's Motion is GRANTED on the duty to defend Margaret
McCafferty d/b/a James A. McCafferty Funeral Home in the Laberta case.
- (2) Margaret McCafferty's Motion to Sever (08-3895, Doc. 76) is DENIED, without
prejudice.

BY THE COURT:

/s/ Michael M. Baylson
Michael M. Baylson, U.S.D.J.

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